UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/1995/17
28 December 1995

ENGLISH
Original: FRENCH

COMMITTEE ON ECONOMIC, SOCIAL AND
CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic
Social and Cultural Rights

ALGERIA

1. The Committee considered the initial report of Algeria (E/1990/5/Add.22) at its 46th and 47th meetings on 30 November 1995 and at its 48th meeting on 1 December 1995 and adopted 1/ the following concluding observations.

A. Introduction

2. The Committee thanks the State party for the submission of its initial report, for the written replies to the Committee's list of issues and for the quality of the dialogue with the Algerian delegation, whose open-mindedness and cooperation are appreciated.

3. The Committee notes that, despite the country's economic, social and security problems, the State party has submitted a detailed initial report on the constitutional and legislative provisions which are designed to protect and promote the economic, social and cultural rights of the inhabitants of Algeria.

B. Positive aspects

4. The Committee notes with satisfaction that article 123 of the Algerian Constitution recognizes the Covenant's precedence over domestic law in the internal legal system. The Committee also welcomes the fact that the provisions of the Covenant may be directly invoked in the courts.

5. The specific commitments to human rights which the State party has made in recent years are also noted with satisfaction. They include the establishment in 1992 of the National Human Rights Observatory, the establishment of the Office of the High Commissioner for Amazighité (Berbers) in May 1995, the training of judges in human rights and the establishment of human rights professorships at the university level.

6. The Committee takes note of the statement by the delegation to the effect that the state of emergency in Algeria does not affect any of the rights guaranteed by the Covenant, particularly trade union freedom and the right to strike, which are guaranteed under Algerian law. The Committee also takes note of the fact that associations are flourishing and new trade unions have been formed.

7. The Committee expresses its satisfaction that efforts have been made to adopt a set of measures to promote job creation and attenuate the effects of structural adjustment for vulnerable groups. In particular, the recent establishment of a system of social protection ("safety net") for the unemployed is noted with appreciation. The Committee further notes with encouragement the Algerian Government's unswerving commitment to social protection and the statement in the Government's written replies that the proportion of the budget hitherto allocated to support of loss-making enterprises will be redirected towards the most disadvantaged groups in society.

8. The Committee takes note with satisfaction of the considerable progress in education achieved by the State party since independence and of the low school drop-out rate. The progress made in respect of education includes a steady and substantial increase in the rate of school attendance by girls. The Committee takes note with interest of the introduction of instruction in the Amazigh (Berber) language since the beginning of the 1995-1996 school year.

9. The Committee appreciates the fact that, despite difficult domestic conditions, the destruction of nearly 600 schools 2/ and the danger teachers and students face every day, the latter are not discouraged from continuing to teach and study. The progress that Algeria has been making in respect of education despite these difficult circumstances must be appreciated and encouraged.

10. The Committee takes note of the statement by the delegation that the process of the ratification of the Convention on the Elimination of All Forms of Discrimination against Women is under way.

11. The Committee notes with satisfaction that the Algerian authorities have begun to pay more attention to and spend greater resources on the construction of housing, particularly for low-income groups.

C. Factors and difficulties impeding the implementation of the Covenant

12. The Committee notes that the implementation of the economic, social and cultural rights guaranteed by the Covenant has been seriously hampered by the grave economic crisis the country is going through. The economy's heavy

dependence on hydrocarbons, the foreign debt and the drought that has affected agriculture are recurring constraints that have an impact on the State budget and social spending.

13. The Committee also notes that the high population growth rate has led to a rapid increase in the number of job applicants, thereby increasing unemployment.

14. Lastly, the Committee notes that the acts of terrorism which are affecting the very heart of Algerian society are liable to impede its human development and its capacity for promoting the realization of economic, social and cultural rights.

D. Principal subjects of concern

15. The Committee expresses its deep concern about the political turmoil in daily life in Algeria, which is impeding the full realization of the rights guaranteed in the Covenant.

16. The Committee is deeply concerned by the fact that the philosophy of the Covenant, based on the principle of non-discrimination and on the idea of the universality of human rights, has not fully taken root in Algerian society. Furthermore, many forms of discrimination against women, both in the legislation and in everyday life, prevent women from exercising their economic, social and cultural rights.

17. The Committee also deplores the fact that such fundamental freedoms as the right to work, to education, to freedom of movement, and the right freely to choose a spouse are not fully guaranteed for Algerian women. The violence exercised against women in the family, and outside the family by fanatical groups, is of profound concern to the Committee. The husband's absolute right to keep the conjugal home in the case of divorce is a further subject of concern.

18. The Committee expresses its great concern about the high rate of unemployment, which, according to the information contained in the Government's written replies to the Committee's questions, could exceed 30 per cent in 1995. The Committee also notes that this rate is continually increasing.

19. The Committee notes with concern that family violence, of which women are the principal victims, continues to be a problem of society in Algeria, insufficiently addressed by the authorities in terms either of prevention or of punishment. The Committee also deplores the fact that children born out of wedlock are subjected to de jure and de facto discrimination.

20. The Committee notes with concern the serious shortage of housing, and the precarious conditions of accommodation of a substantial part of the population, which affects enjoyment of the right to adequate housing, as provided for in the Covenant.

21. The Committee is concerned to note the high mortality rate among young girls in the 1-10 age group, which, as is acknowledged by the Government, is due to the fact that better care is provided for boys.

E. Suggestions and recommendations

22. The Committee, while being aware of the extremely difficult political and social context in which the Algerian Government is discharging its functions, considers it to be of the utmost importance that special attention be given to the problem of discrimination against women, in particular as it exists in legislation.

23. The Committee recommends that the radical economic reforms undertaken by the Government be continuously assessed in terms of the realization of the economic, social and cultural rights of all Algerians and that special priority be given to the smooth application of social policies designed to counteract the adverse effects of structural adjustments.

24. The Committee recommends that extensive consciousness-raising campaigns be launched to prevent family violence. Adequate information should also be provided to the victims of such violence, with regard to their right to obtain compensation.

25. The Committee encourages the Algerian Government to pursue an energetic housing policy, so as to make progress towards the full realization of the right to adequate housing.

26. The Committee also requests the Government to take all necessary measures to ensure that girls are fully able to exercise their right to education and to mental and physical health. Such measures should be accompanied by the setting up of a data collection system enabling their impact to be assessed.

27. The Committee recommends that measures should be taken to include human rights instruction in school curricula, especially in primary schools, in conformity with the goals and objectives of the United Nations Decade for Human Rights Education, and that those responsible for enforcing the law should be given instruction in human rights.

28. The Committee recommends that the State party's second periodic report contain more information regarding the effective implementation of the rights guaranteed in the Covenant. The Committee reminds the Government in this connection of the possibility to make use of the advisory services of the United Nations Centre for Human Rights, which offers training in the drafting of the reports required under international instruments.

Notes

1/ At its 58th meeting on 8 December 1995.

2/ ECOSOC E/ICEF 1995 P/L.30, 9 March 1995.

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